

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. ~~33~~40

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

SEP 23 1999

**PAT.&T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

**RONALD F. ZIOLO
Junior Party¹**

v.

**JOSEPH MORT and MARY A.
MACHONKIN
Junior Party²**

v.

**RONALD F. ZIOLO
Junior Party³**

v.

**DONALD R. HUFFMAN and WOLFGANG
KRATSCHMER
Senior Party⁴**

Interference No. 103,281

REDECLARATION

¹ Patent Number 5,232,810, granted August 3, 1993, based on Application 07/961,984, filed October 16, 1992. Assignor to Xerox Corporation, Stamford, Connecticut. (Ziolo I).

² Patent Number 5,114,477, granted May 19, 1992, based on Application 07/754,084, filed September 3, 1991. Assignor to Xerox Corporation, Stamford, Connecticut.

³ Patent Number 5,188,918, granted February 23, 1993, based on Application 07/709,734, filed June 3, 1991. Assignor to Xerox Corporation, Stamford, Connecticut. (Ziolo II).

⁴ Application 07/580,246, filed September 10, 1990. No Assignee of record.

Interference No. 103,281

For the reasons stated in the Final Decision (Paper Number 84), mailed concurrently herewith, in view of our sua sponte granting-in-part of the junior parties' motion under 37 C.F.R. 1.633(c)(4), Interference Number 103,281 is redeclared as follows:

The cases involved in this interference are:

Junior Party

Patentees: Joseph Mort and Mary A. Machonkin

Addresses: 1209 Gerrads Cross, Webster, NY 14580
816 Ivy Court, Webster, NY 14580

Serial No.: 07/754,084 filed 09/03/91, now U.S. Patent No.
5,114,477, issued 05/19/92

For: LIQUID INK COMPOSITIONS

Assignee: Xerox Corporation, Stamford, CT

Attorneys of Record: Ronald Zibelli, John E. Beck, Sheldon F.
Raizes and Eugene Palazzo

Associate Attorneys: None

Accorded Benefit of: None

Address: Ronald Zibelli
Xerox Corporation
Xerox Square - 020
Rochester, NY 14644

Junior Party

Patentees: Ronald F. Ziolo

Address: 1206 Imperial Drive, Webster, NY 14580

Serial No.: 07/709,734 filed 06/03/91, now U.S. Patent No.
5,188,918, issued 05/19/92

Interference No. 103,281

For: LIQUID INK COMPOSITIONS

Assignee: Xerox Corporation, Stamford, CT

Attorneys of Record: Ronald Zibelli, John E. Beck, Sheldon F.
Raizes and Eugene Palazzo

Associate Attorneys: None

Accorded Benefit of: None

Address: Ronald Zibelli
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Xerox Square - 020
Rochester, NY 14644

Senior Party

Applicants: Donald R. Huffman and Wolfgang Kratschmer

Addresses: 6633 E. Koralee, Tucson, Az 85710
9 Schabisch Hall St., Gaiberg, Wets Germany D-6901

Serial No.: 07/580,246

For: NEW FORM OF CARBON

Assignee: None

Attorneys of Record: John F. Scully, Anthony C. Scott, Stephen
D. Murphy, Leopold Presser, William C.
Roch, William E. McNulty, Kenneth L. King,
Frank S. DiGiglio and Paul J. Esatto, Jr.

Associate Attorney: None

Accorded Benefit of: None

Address: Scully, Scott, Murphy and Presser
400 Garden City Plaza
Garden City, NY 11530

Interference No. 103,281

COUNT 1

Substantially pure solid C_{60} or C_{70} , or

a pigment composition comprising a fullerene, or

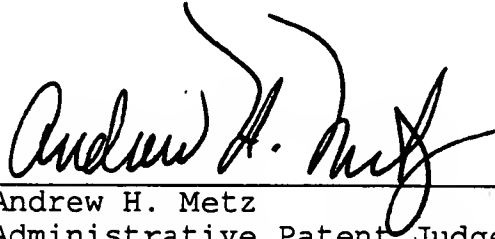
a toner composition comprising a fullerene.

The claims of the parties which correspond to Count 1
are:

Mort et al.: Claims 1 through 21

Ziolo: Claims 1 through 18

Huffman et al.: Claims 45 through 77 and 79 through 180

A handwritten signature in black ink, appearing to read "Andrew H. Metz", is written over a horizontal line.

Andrew H. Metz
Administrative Patent Judge
(703) 308-9797

gjh